IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 25796 of 2004(U)

PETITIONER:

MADAPPALLY SERVICE C0-OPERATIVE BANK LTD.NO. 160, PERUMPANACHY P.O., CHANGANACHERRY, REPRESENTED BY ITS SECRETARY, SATHEESHAN.

BY ADV. SRI.ANIMON A. JOHN,
SRI.SEBASTIAN VARGHESE.

RESPONDENTS:

1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, CO-OPERATION DEPARTMENT, THIRUVANANTHAPURAM.**
2. **THE JOINT REGISTRAR, CO-OPERATIVE SOCIETIES (GENERAL), KOTTAYAM.**
3. **THE ASST.REGISTRAR, CO-OPERATIVE SOCIETIES (GENERAL), CHANGANACHERRY.**

W.P.(C). NO.25796/2004:

***ADDL.R 4. P.T. CHACKO, S/O. P.T. THOMAS,**
PARAKKAL HOUSE, MADAPPALLY.P.O.,
CHANGANACHERRY.

***IS IMPLEADED AS PER ORDER DTD. 25/10/2004 IN I.A. 14366/2004.**

BY ADV.SRI.MATHEW JOHN (K).

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.25796/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER ISSUED BY THE SENIOR INSPECTOR OF CO-OPERATIVE SOCIETIES DTD. 04/09/2001.

EXT.P.2: COPY OF THE REPORT SUBMITTED BY THE CO-OPERATIVE INSPECTOR BEFORE THE R.3. DTD. NIL.

EXT.P.3: COPY OF THE APPEAL FILED BEFORE THE R.1. DTD. 03/08/2003.

EXT.P.4: COPY OF THE ORDER NO. G.O. (RT). NO. 358/2004 CO. DTD. 24/06/2004.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.25796 of 2004

Dated 7th June, 2007.

J U D G M E N T

Challenge is on Ext.P2 report of enquiry conducted under Section 66 of the Kerala Cooperative Societies Act, 1969 as well as Ext.P4 Government Order. Though the Government in Ext.P4 found that the enquiry was not conducted properly, it refused to entertain the request of the petitioner to set aside the enquiry. It is seen from Ext.P4 Government Order itself that the enquiry was conducted "without strictly adhering to the procedure prescribed under Rule 66 of Kerala Cooperative Societies Rules. The Assistant Registrar has admitted that the inspection was conducted in a hurry. No registered noitce with acknowledgement due was issued to the President/Secretary of the Bank or to the Circle Cooperative Union or Financing Bank. No specific point/points on which inspection is to be made is mentioned in the order authorising to conduct inspection." In view of the admitted

position as above, it is fairly clear that there is no proper enquiry as warranted under Rule 66 of the Rules, as held by this Court in **Ellakkal Service Cooperative Bank v. State of Kerala** (1997(2) KLT 85). I quash Exts.P2 and P4. However, I make it clear that the judgment shall not stand in the way of the authorities conducting a proper enquiry in accordance with law.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 7th June, 2007.